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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,733	11/15/2001	Masami Takemoto	111119	7665
25944	7590	03/28/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			YE, LIN	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 03/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,733

Applicant(s)

TAKEMOTO ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,7-15,17,20-28,35 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,16 and 34 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,18,19 and 36-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicants' amendment filed on 12/22/05 has been entered. The claims 29-33 have been cancelled by applicant without prejudice to or disclaimer of the subject matter contained therein, claims 1-28 and 34-38 are pending in the application.

2. The applicants assert that new added claims 34-38 are readable on the elected species.

However, the claim 35 is readable on the **non-elected Species Figure 3** (See applicant's specification page 25, line 9 through page 27, line 18), but it is not readable on the Species Figure 4 elected by applicant, because the Figure 4 does not disclose the image blur correction operation is **suspended** when the non-ocular viewfinder is being used.

The claim 38 is readable on the **non-elected Species Figure 5** (See applicant's specification page 31, line 22 through page 33, line 11), but it is not readable on the Species Figure 4 elected by applicant, because the Figure 4 does not disclose the image blur correction operation changing section sets a center bias of the movement member weakly.

For this reason, **the claims 35 and 38 are withdrawn from further consideration.**

3. Applicant's arguments filed 12/22/05 have been fully considered but they are not persuasive to claims 1, 16 and 34.

The applicants argue that Onuki (U.S. Patent 5,585,884) fails to teach or suggest the combination of ocular and non-ocular viewfinders, because the Onuki reference does not

discloses "... **non-ocular viewfinder** for observing the subject with one's eyes at a **distance**; a used **viewfinder determination section** that determines which of said ocular viewfinder and said non-ocular viewfinder is being used; and a blur correction **operation changing section** that changes operation of said blur correction device according to determination results of said used viewfinder determination section" as recited in claims 1 and 16.

The examiner disagrees. The Species Figure 4 elected by applicant only discloses to determine whether the optical viewfinder being used or not in steps s1 (See applicants' specification page 27, line 20 through page 28, line 24). It also known during photo-taking preparation operation, the photographer observes the subject to be captured inherently. The limitation "**non-ocular viewfinder** for observing the subject with one's eyes at a **distance**" recited in claim 1 is considered as eyes of the photographer do not approach to the viewfinder or the photographer does not use the viewfinder for photo-taking preparation operation. The Onuki reference clearly discloses in Figure 7A, the photo-taking preparation operation flowcharts show a used viewfinder determination section (step 309, see Col. 11, lines 5-13, and sight axis detection sensor 33 is considered as a used viewfinder determination section, see Col. 4, lines 36-39) that determines which of the ocular viewfinder (e.g., when eyes of the photographer approach to the viewfinder) and the non-ocular viewfinder (e.g., eyes of the photographer do not approach to the viewfinder as "eyes at a distance" to the viewfinder which is out detection range of sight axis detection sensor 33 in the viewfinder) is being used; and a blur correction operation changing section (step 310 of Figure 7A), that changes operation of said blur correction device according to determination results of said used

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viewfinder determination section (e.g., if the camera detects non-ocular viewfinder is being used as if the no pupil approach in step 407, the steps of 311-312 for control image blue correction are skipped).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 16 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Onuki U.S. Patent 5,585,884.

Referring to claim 1, the Onuki reference discloses in Figures 1, 7A and 8, an image blur correction camera, comprising: a photographing optical system (lens 3,4, 5, see Col. 3, lines 22-35); an image-capturing element (a film plane 2) that captures a subject image through said photographing optical system; a vibration detection section (angular velocity meter 22, see Col. 3, lines 55-56) that detects camera vibration; a blur correction section (blur correction optical system 6, see Col. 3, lines 32-33) that corrects blur of the image captured by said image-capturing element according to detection results of said vibration detection section (See Col. 3, lines 64-67 and Col. 4, lines 1-15); an ocular viewfinder for observing the subject with one's eyes in close contact (e.g., when eyes of the photographer approach to

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the viewfinder); a non-ocular viewfinder for observing the subject with one's eyes at a distance (e.g., “**non-ocular viewfinder** for observing the subject with one’s eyes at a **distance**” recited in claim 1 is considered as eyes of the photographer do not approach to the viewfinder or the photographer does not use the viewfinder for photo-taking preparation operation); the photo-taking preparation operation flowcharts (Figure 7A) show a used viewfinder determination section (step 309, see Col. 11, lines 5-13, and sight axis detection sensor 33 is considered as a used viewfinder determination section, see Col. 4, lines 36-39) that determines which of the ocular viewfinder (e.g., when eyes of the photographer approach to the viewfinder) and the non-ocular viewfinder (e.g., eyes of the photographer do not approach to the viewfinder as “eyes at a distance” to the viewfinder which is out detection range of sight axis detection sensor 33 in the viewfinder) is being used; and a blur correction operation changing section (step 310 of Figure 7A), that changes operation of said blur correction device according to determination results of said used viewfinder determination section (e.g., if the camera detects non-ocular viewfinder is being used as if the no pupil approach in step 407, the steps of 311-312 for control image blue correction are skipped).

Referring to claim 16, the Onuki reference discloses all subject matter as discussed in respected with same comments to claim 1.

Referring to claim 34, the Onuki reference discloses all subject matter as discussed in respected with same comments to claim 1.

***Allowable Subject Matter***

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6. Claims 3,4, 6, 18, 19, 36 and 37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach or fairly suggest an image blur correction camera comprising: said blur correction operation changing section engages said blur correction section to operate, in the event that said used viewfinder determination section has determined that said non-ocular viewfinder is being used, so that a range over which the image blur correction can be carried out becomes wider than that when it is determined that said ocular viewfinder is being used; and used in combination with all of the other limitations of the claims 1, 16 and 34.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye  
Examiner  
Technology Division 2622

March 17, 2006